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Atorneys for Third-Party Defendant and Cross-Claimant
SCOTTSDALE INSURANCE COMPANY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

**SIERRA BAY CONTRACTORS, INC., a
California Corporation.**

Plaintiff,

V.

**WESTCHESTER SURPLUS LINES
INSURANCE COMPANY, a Georgia corporation,
and ROES 1 through 50, inclusive,**

Defendants.

**WESTCHESTER SURPLUS LINES INSURANCE
COMPANY, a Georgia Corporation.**

Third-Party Plaintiff,

v.

ASPEN SPECIALTY INSURANCE COMPANY, a North Dakota Corporation; CONTINENTAL CASUALTY INSURANCE COMPANY, an Illinois Corporation; GEMINI INSURANCE COMPANY, a Delaware Corporation; GREAT AMERICAN ASSURANCE COMPANY, an Ohio Corporation; GREAT AMERICAN INSURANCE COMPANY, an Ohio Corporation; INTERSTATE FIRE AND CASUALTY COMPANY, an Illinois Corporation; LEXINGTON INSURANCE COMPANY, a Delaware Corporation; LIBERTY

CASE NO. 3:10-CV-04611-RS

**STIPULATION AND [PROPOSED]
ORDER FOR DISMISSAL WITHOUT
PREJUDICE OF SCOTTSDALE
INSURANCE COMPANY'S CROSS-
CLAIM AGAINST NAVIGATORS
SPECIALTY INSURANCE COMPANY,
FORMERLY KNOWN AS NIC
INSURANCE COMPANY, IN
EXCHANGE FOR A WAIVER OF
COSTS**

Selman Breitman LLP
ATTORNEYS AT LAW

1 SURPLUS INSURANCE CORPORATION, a
2 New Hampshire Corporation; NIC INSURANCE
3 COMPANY, a New York Corporation; OLD
4 REPUBLIC GENERAL INSURANCE
5 CORPORATION, an Illinois Corporation;
6 TRANSCONTINENTAL INSURANCE
7 COMPANY, an Illinois Corporation;
8 SCOTTSDALE INSURANCE COMPANY, an
9 Ohio Corporation; TRUCK INSURANCE
EXCHANGE, a California Corporation;
VIRGINIA SURETY COMPANY, an Illinois
Corporation,

Third-Party Defendants.

SCOTTSDALE INSURANCE COMPANY, an
Ohio Corporation,

Cross-Claimant,

v.

AMERICAN SAFETY INDEMNITY
COMPANY an Oklahoma Corporation;
NAVIGATORS SPECIALTY INSURANCE
COMPANY, formally known as NIC Insurance
Company, a New York Corporation; GEMINI
INSURANCE COMPANY, a Delaware
Corportion; LEXINGTON INSURANCE
COMPANY, a Delaware Corporation; and ROES
1 through 20, inclusive,

Cross-Defendants.

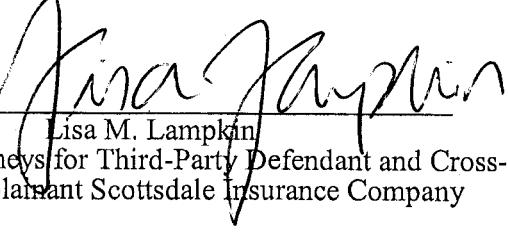
Pursuant to Federal Rule of Civil Procedure 41, third-party defendant and cross-claimant
Scottsdale Insurance Company ("Scottsdale"), and cross-defendant Navigators Specialty Insurance
Company, formerly known as NIC Insurance Company ("Navigators"), have agreed and hereby
stipulate to the dismissal of Scottsdale's Cross-Claim against Navigators, without prejudice,
subject to said parties' mutual waiver of costs.

IT IS SO STIPULATED.

Selman Breitman LLP
ATTORNEYS AT LAW

1 DATED: May 25, 2012

SELMAN BREITMAN LLP

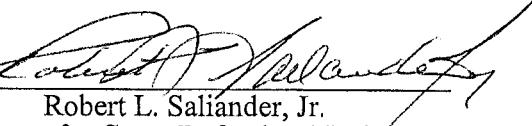
2 By: 

3 Lisa M. Lampkin

4 Attorneys for Third-Party Defendant and Cross-
5 Complainant Scottsdale Insurance Company

6 DATED: May 25, 2012

7 GREENAN, PEFFER, SALLANDER & LALLY

8 By: 

9 Robert L. Saliander, Jr.

10 Attorneys for Cross-Defendant Navigators Specialty
11 Insurance Company, formerly, known as NIC
12 Insurance Company

13 **[PROPOSED] ORDER OF PARTIAL DISMISSAL**

14 Having reviewed the above stipulation, the Court orders that cross-defendant Navigators
15 Specialty Insurance Company, formally known as NIC Insurance Company, be dismissed, without
16 prejudice, from Scottsdale Insurance Company's cross-claim, with each side to bear its own fees
17 and costs. The remainder of the cross-claims shall not be impacted by this Order.

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19 Dated: 5/30/12

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United States District Court
21 District of Northern California